

FILED

NOV 18 2013

Clerk, U.S. District Court
District of Montana
Billings

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Montana Department of Environmental Quality*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

SIERRA CLUB and MONTANA
ENVIRONMENTAL
INFORMATION CENTER,

Plaintiffs,

vs.

PPL MONTANA LLC, AVISTA
CORP., PUGET SOUND ENERGY,
PORTLAND
GENERAL ELECTRIC CO.,
NORTHWESTERN CORP ., and
PACIFICORP,

Defendants.

Case No.1: 13-cv-00032-DLC-JCL

**Motion of Proposed Amicus Montana
Department of Environmental
Quality for Leave to File Amicus
Brief Concerning Plaintiffs' First
Motion for Partial Summary
Judgment on the Applicable Method
for Calculating Emission Increases
from Modifications Made to the
Colstrip Power Plant**

The Montana Department of Environmental Quality (Department), through its attorney, Norman Mullen, hereby moves, pursuant to L.R. 7.5, for leave to file an amicus brief concerning the Plaintiffs' First Motion for Partial Summary Judgment, Doc. 64, filed on September 12, 2013.

Pursuant to L.R. 7.1(c)(1), Mullen contacted the attorneys for the parties in this case, and apprised them that the Department intended to file this motion. The attorneys for Defendants said that they agreed to this Motion; an attorney for Plaintiffs, David Bender, told Mullen that Plaintiffs did not object to the Department's appearance to argue legal matters, but would object if the Department sought to present any factual matter in its amicus brief. Attorney Bender also asked Mullen to represent to this court that the Plaintiffs request an opportunity to respond, within 14 days, to the Department's amicus brief if the court grants this motion.

The grounds for this motion are set forth in the accompanying brief.

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WHEREFORE, the Montana Department of Environmental Quality respectfully requests (a) leave of this court to file an amicus brief concerning the Plaintiffs' Motion for Partial Summary Judgment and, (b) if leave is granted, that this court set a schedule for the Department to file its amicus brief and for the parties to respond to the amicus brief within 14 days after it is filed.

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

11/14/13
Date

By 
NORMAN J. MULLEN
Special Assistant Attorney General
Attorney for Department

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Department's Motion for Leave to File Amicus Brief, was sent on November 14, 2013, via U.S. Mail, postage pre-paid, to the attorneys for the parties, addressed as follows:

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